

AMENDED IN ASSEMBLY APRIL 26, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2329

Introduced by Assembly Members Ruskin and Chesbro

February 19, 2010

An act to amend Section 12891 of the Government Code, and to add Part 5 (commencing with Section 71400) to Division 34 of the Public Resources Code, relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2329, as amended, Ruskin. Environmental protection: greenhouse gas emissions: Climate Action Team.

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board (state board) to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas (GHG) emissions limit equivalent to the statewide GHG emissions levels in 1990, to be achieved by 2020. The act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG emission reductions. The act requires all state agencies to consider and implement strategies to reduce their GHG emissions.

This bill would create the Climate Action Team (CAT), under the direction of the Secretary for Environmental Protection and consisting of representatives from specified state agencies, that would be responsible for coordinating the state's overall climate policy,

identifying and reviewing activities and funding programs, recommending policies, investment strategies, and priorities, and providing information to local governments and regional agencies.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12891 of the Government Code is
2 amended to read:

3 12891. For purposes of this chapter, the following terms have
4 the following meanings:

5 (a) “Agency” means the California Environmental Protection
6 Agency.

7 (b) “Climate Action Team” means the Climate Action Team
8 established pursuant to Section 71402 of the Public Resources
9 Code.

10 (c) “GHG” means greenhouse gas as defined in subdivision
11 (g) of Section 38505 of the Health and Safety Code.

12 (d) “GHG emission reduction target” means a requirement
13 made applicable to ~~that~~ a state agency by an action taken by the
14 State Air Resources Board pursuant to Division 25.5 (commencing
15 with Section 38500) of the Health and Safety Code.

16 (e) “Secretary” means the Secretary for Environmental
17 Protection.

18 (f) “Sector” means an industrial, resources, or administrative
19 domain that should be addressed as an integrated whole for the
20 purposes of climate change planning.

21 (g) “State agency” means a member of the Climate Action Team,
22 a state office, department, division, bureau, board, or commission
23 whose operations or programs result in greenhouse gas emissions
24 that are subject to Division 25.5 (commencing with Section 38500)
25 of the Health and Safety Code, and any other state agency, as
26 determined by the secretary.

27 SEC. 2. Part 5 (commencing with Section 71400) is added to
28 Division 34 of the Public Resources Code, to read:

1 PART 5. STATE CLIMATE CHANGE ACTION TEAM ACT
2 OF 2010
3

4 71400. This part shall be known as the State Climate Change
5 Action Team Act of 2010.

6 71401. The Legislature finds and declares all of the following:

7 (a) California is a world leader in efforts to reduce greenhouse
8 gases, to assess, adapt to, and mitigate the effects of climate
9 change, and to promote clean alternative technologies to improve
10 the state's economy and ~~the protection of~~ *to protect* public health
11 and the environment.

12 (b) The California Global Warming Solutions Act of 2006
13 (Division 25.5 (commencing with Section 38500) of the Health
14 and Safety Code) provides a process for the establishment of a
15 statewide greenhouse gas emission limit and a process for the
16 adoption of regulations to achieve the maximum technologically
17 feasible and cost-effective greenhouse gas emission reductions.
18 That act also directs the Climate Action Team to coordinate the
19 overall climate policy as provided in Executive Order No. S-3-05
20 and for all state agencies to consider and implement strategies to
21 reduce their greenhouse gas emissions.

22 (c) California currently invests hundreds of millions of dollars
23 in research funds for air quality, transportation, electricity, natural
24 gas, water, and other types of research, development,
25 demonstration, and deployment projects that could contribute to
26 the achievement of statewide greenhouse gas emission reductions,
27 or to the effective adaptation to unavoidable climate change.

28 (d) More effective coordination of existing programs and
29 funding by the state can improve the achievement of statewide
30 greenhouse gas emission reductions, ~~the protection of~~ *protect* the
31 state's infrastructure, communities, and natural resources from the
32 impacts of climate change, and provide economic and job growth
33 through the development and support of a strong clean technology
34 industry.

35 (e) Due to the global nature of the causes and impacts of climate
36 change, it is imperative for California to consult with other states,
37 the federal government, and other nations to identify the most
38 effective strategies and methods to reduce greenhouse gases, adapt
39 to ongoing and future climate change, coordinate climate change
40 research efforts, and ~~to~~ facilitate the development of integrated

1 and cost-effective regional, national, and international climate
2 change programs.

3 71402. (a) The Climate Action Team is hereby established in
4 state government and shall consist of the following members:

5 (1) The Secretary for Environmental Protection, who shall serve
6 as the chairperson of the Climate Action Team, and who shall
7 coordinate oversight of ~~the~~ *state agencies*' efforts made to meet
8 the greenhouse gas emission reduction targets established pursuant
9 to the Global Warming Solutions Act of 2006 (Division 25.5
10 (commencing with Section 38500) of the Health and Safety Code).

11 (2) The Secretary of the Natural Resources Agency.

12 (3) The Chairperson of the State Air Resources Board.

13 (4) The Chairperson of the State Energy Resources Conservation
14 and Development Commission.

15 (5) The President of the Public Utilities Commission.

16 (6) The Secretary of Business, Transportation and Housing.

17 (7) The Secretary of Food and Agriculture.

18 (8) The Secretary of State and Consumer Services.

19 (9) The Secretary of California Health and Human Services.

20 (10) The Director of the Office of Planning and Research.

21 (11) The Secretary for Labor and Workforce Development.

22 (b) Upon the determination of the Secretary for Environmental
23 Protection, ex officio representatives from other state departments
24 may be added to the Climate Action Team as necessary to provide
25 assistance and expertise in particular subject areas.

26 (c) Multiagency staff working groups may be formed by the
27 Climate Action Team to provide technical support for the work of
28 the team in individual sectors. Sectors may include, but ~~is~~ *are* not
29 limited to, agriculture, biodiversity and habitat, forestry, energy,
30 land use, coastal and delta resources, regional and international
31 policy development, state operations, water, and climate change
32 research.

33 71403. Consistent with the California Global Warming
34 Solutions Act of 2006 (Division 25.5 (commencing with Section
35 38500) of the Health and Safety Code) and Executive Order No.
36 S-3-05, the Climate Action Team, under the direction of the
37 Secretary for Environmental Protection, shall coordinate climate
38 policy of the state to achieve all of the following goals:

39 (a) The maximum feasible and cost-effective reduction of
40 greenhouse gas emissions through the implementation *by the State*

1 *Air Resources Board* of the California Global Warming Solutions
2 Act of 2006 (Division 25.5 (commencing with Section 38500) of
3 the Health and Safety Code).

4 (b) The promotion of economic and job growth in California
5 through workforce development and the encouragement and
6 support of clean technology development and deployment to meet
7 the state's climate change goals and greenhouse gas emission
8 reduction targets and limits.

9 (c) The identification of unavoidable climate change impacts
10 to California's natural resources and infrastructure.

11 (d) The development and implementation of mitigation and
12 adaptation plans to protect the natural resources, public health and
13 welfare, and economy of California.

14 (e) The coordination of climate change policies with other states,
15 the federal government, and other nations to identify the most
16 effective strategies and methods to reduce greenhouse gases, adapt
17 to ongoing and future climate change, coordinate climate change
18 research efforts, and facilitate the development of integrated and
19 cost-effective regional, national, and international climate change
20 programs.

21 (f) The coordination and efficient use of existing state resources,
22 programs, and funds to achieve the goals identified in this section.

23 71404. The Climate Action Team, under the direction of the
24 Secretary for Environmental Protection, shall do all of the
25 following:

26 (a) Identify and review activities, funding programs, and other
27 revenue of state agencies that may be coordinated to meet the goals
28 of Section 71403.

29 (b) Recommend policies, investment strategies, and priorities
30 to meet the goals of Section 71403.

31 (c) Provide information to local governments and regional
32 activities that will assist in addressing the goals of Section 71403.

33 71405. (a) Each member of the Climate Action Team may
34 appoint an alternate or designee to attend meetings or hearings of
35 the Climate Action Team in that member's place.

36 (b) Notwithstanding Section 7.5 of the Government Code, each
37 designee shall act as the member in his or her place and stead to
38 all intents and purposes as though the member were personally
39 present, including the right of the designee to be counted in

1 constituting a quorum to participate in any proceeding of the
2 Climate Action Team and to vote upon any and all matters.

3 (c) Each designee shall have the right to represent the member
4 who appointed him or her regardless of the number of other
5 designees representing the chair, director, president, or secretaries,
6 at a particular meeting or session of the Climate Action Team.
7 Each designee shall represent only one member at any meeting or
8 session of the Climate Action Team.

9 (d) The Climate Action Team ~~may~~ *shall* hold duly noticed public
10 meetings and workshops to solicit comments from the public prior
11 to recommending policies, investment strategies, and ~~priority~~
12 *priorities* in accordance with subdivision (b) of Section 71404.
13 ~~Except as provided in this subdivision, the Climate Action Team~~
14 ~~shall not be required to conduct its meetings open to the public in~~
15 ~~accordance with Article 9 (commencing with Section 11120) of~~
16 ~~Chapter 1 of Part 1 of Division 3 of Title 2 of the Government~~
17 ~~Code. A meeting of the Climate Action Team, including a meeting~~
18 ~~related to the coordination of the multiagency efforts to meet the~~
19 ~~greenhouse gas emission reduction targets and activities related~~
20 ~~to the California Global Warming Solutions Act of 2006 (Division~~
21 ~~25.5 (commencing with Section 38500) of the Health and Safety~~
22 ~~Code), shall be subject to the Bagley-Keene Open Meeting Act~~
23 ~~(Article 9 (commencing with Section 11120) of Chapter 1 of Part~~
24 ~~1 of Division 3 of Title 2 of the Government Code). For the~~
25 ~~purposes of this subdivision, "meeting" does not include a meeting~~
26 ~~at which the secretaries serving as members of the Climate Action~~
27 ~~Team are meeting as members of the Governor's cabinet.~~

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